

18 MARCH 1947

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Of
WITNESSES

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18 MARCH 1947

I N D E X
Of
EXHIBITS

| <u>Doc.</u> <u>No.</u> | <u>Def.</u> <u>No.</u> | <u>Pros.</u> <u>No.</u> | <u>Description</u> | <u>For</u> <u>Ident.</u> | <u>In</u> <u>Evidence</u> |
|---------------------------|---------------------------|----------------------------|---|-----------------------------|------------------------------|
| Not Numbered | 2379 | | Document entitled "A Regulation of the Ministry of War in re Education" dated 30 November 1938 | | 18569 |

1 Tuesday, 18 March 1947.

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before, HONORABLE
14 LORD PATRICK, Member from the United Kingdom of Great
15 Britain, not sitting.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 The Accused:

19 All present except OKAWA, Shumei, who is
20 represented by his counsel.

21 - - -

22 (English to Japanese and Japanese
23 to English interpretation was made by the
24 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. McManus.

4
5 G O R O I W A M A T S U, called as a witness on
6 behalf of the defense, resumed the stand and
7 testified through Japanese interpreters as
8 follows:

9 DIRECT EXAMINATION

10 BY MR. McMANUS (Continuing):

11 Q Mr. IWAMATSU, yesterday you were explaining
12 the reasons for the establishment of youth schools.
13 Would you continue, please?

14 A The object of the youth school was to train
15 the youth both mentally and physically in order to
16 up build their character as up right citizens of the
17 country. The youth school is sort of a combination
18 or a merger between the Youth Training Institute, the
19 object of which was to train youths in various occupa-
20 tions, and various commercial and industrial vocational
21 schools. The plan to effect the 'merger' of these two
22 types of training schools into the youth school was
23 hastened by me in as early as 1933 when I was Chief of
24 of the Youth Education Section of the Ministry of
25 Education.

IWAMATSU

DIRECT

1 Q Now, was attendance at these schools compul-
2 sory?

3 A The youth school was not compulsory at the
4 time of its establishment in 1935.

5 Q Well, did it later become compulsory?

6 A Yes.

7 Q When?

8 A 1939.

9 Q Now, for failure to comply with the regula-
10 tions of attendance was any punishment meted out to
11 the students?

12 A No.

13 Q During your tenure of office with the Educa-
14 tion Ministry were you familiar with the textbooks
15 issued to schools and students?

16 A Yes.

17 Q Did any of those textbooks ever contain ideas
18 of world domination or aggression?

19 A In my knowledge, no.

20 MR. McMANUS: That is all, your Honor.

21 MR. HOZUMI: HOSUMI, counsel for the accused
22 KIDO.

23 THE PRESIDENT: Mr. HOZUMI.

24 MR. HOZUMI: I should like to conduct direct
25 examination of the witness with one or two questions.

IWAMATSU

DIRECT

1 DIRECT EXAMINATION (Continued)

2 BY MR. HOZUMI:

3 Q Yesterday, Mr. Witness, following the read-
4 ing of your affidavit, you said that you had a correc-
5 tion to make -- corrections to make -- one of them
6 being that Education Minister ARAKI, in the passage
7 stating that Minister ARAKI had never taken any new
8 measures concerning military education you wanted the
9 insertion of the words "at his own initiative" so that
10 the sentence would read that Minister ARAKI never took,
11 at his own initiative, new measures concerning military
12 education. That is to be found in court record page
13 18,503. May I inquire, Mr. Witness, whether or not
14 this correction you made extends to another passage
15 three lines below that which says it was the same with
16 his predecessor, Marquis KIDO? Now, Mr. Witness, I
17 ask you whether this correction is limited only so
18 far as Minister ARAKI is concerned or do you mean to
19 say that with respect to Marquis KIDO that he had
20 never, at his own initiative or otherwise, had never
21 taken new measures concerning military education?

22 A I state that no new measures or instructions
23 were issued at the time Marquis KIDO was Minister of
24 Education.
25

Q Then you mean, Mr. Witness, that no new

IWAMATSU

DIRECT

1 measures were issued or taken with respect to military
2 education by Marquis KIDO whether at his own volition
3 or not?

4 A That is what I mean, yes.

5 Q Now, Mr. Witness, were you Chief of the Docu-
6 ment Section of the Ministry of Education during the
7 time Marquis KIDO was Minister of Education and were
8 you Chief of the Secretariat when Baron ARAKI was
9 Minister of Education?

10 A That is right.

11 Q Now, was the handling of various regulations
12 and rules issued by the Education Ministry handled
13 by the Chief of the Document Section?

14 A That is right.

15 Q There is no mistake in the fact, Mr. Witness,
16 that Marquis KIDO was Minister of Education for a
17 period of only seven months, that is, from October 23,
18 1937 to May 26, 1938?

19 A There is no mistake.

20 Q On June 20, 1946, IKFUSHIMA, Shigenobu, a
21 prosecution witness who is associated with the Japan
22 Broadcasting Corporation, testified in this Tribunal
23 with respect to education during the ministryship of
24 Marquis KIDO and testified with regard to military
25 training and military subjects. Mr. Witness, will

IWAMATSU

DIRECT

1 you kindly give your attention to the following
2 passage which I shall quote from an affidavit deposed
3 before this Tribunal by this witness IKESHIMA? This
4 is exhibit No. 143.

5 A I shall.

6 Q "In 1937 when Marquis KIDO was Minister of
7 Education, the school system was reorganized and more
8 school time was devoted to military training and
9 teaching of military subjects." This testimony of
10 IKESHIMA does not coincide with yours. What is your
11 opinion? Now, do you mean, Mr. Witness, that your
12 testimony is right inasmuch as the testimony of this
13 prosecution witness and your testimony are not con-
14 sistent?

15 A I think so.

16 Q On what grounds do you say so? Is it because
17 you think that you are more familiar with the matter
18 because of your connection with the Ministry of Edu-
19 cation?

20 A Yes.

21 Q IKESHIMA in his deposition says that in
22 1937 when Marquis KIDO was Minister of Education the
23 school system was reorganized. What does that mean?

24 A There was no reorganization took place and
25 what is referred to, according to my recollection,

IWAMATSU

DIRECT

took place much later.

1 Q What kind of reorganization and when? When
2 was that reorganization?

3 A I think this reorganization took place some-
4 where around 1941.

5 MR. COMYNS CARR: In my submission this
6 witness cannot tell us what somebody else was thinking
7 about.

8 THE PRESIDENT: Well, he can tell us what
9 somebody was thinking about if that person declared
10 himself. I don't know whether this person did or not.
11 He cannot read another's thoughts. Frame your ques-
12 tions accordingly.

13 Q What you mean by reorganization of the
14 school system, does that mean the issuance of regula-
15 tions relative to the application of order for the
16 assignment of army officers on active service to the
17 schools which was issued in September 1941?

18 MR. COMYNS CARR: That is another leading
19 question to which I object.

20 THE PRESIDENT: It certainly is leading,
21 and this is direct, not cross.

22 MR. HOZUMI: This not being a very important
23 question, I shall withdraw this question.

24 THE PRESIDENT: Mr. Comyns Carr.
25

IWAMATSU

CROSS

CROSS*EXAMINATION

1 BY MR. COMYNS CARR:

2 Q Mr. IWAMATSU, you swore your affidavit on
3 the 24th of February, didn't you?

4 A Yes.

5 Q Did you read it before you swore it?

6 A Yes.

7 Q Yesterday you made six corrections in it.
8 Why didn't you make those before you swore it?

9 A Well, I overlooked the inconsistency between
10 the western calendar and the Japanese chronology.
11 Before swearing my affidavit I pointed out a few correc-
12 tions but the corrections had not been made.

13 THE PRESIDENT: That doesn't cover that
14 alteration dealing with the lack of initiative or
15 the absence of initiative, I should say, on the part
16 of one of these Japanese accused.

17 Q What do you say as to that?

18 A No, with respect to that matter also I made
19 a request for correction previous to my swearing the
20 affidavit. I swore to the affidavit on the assurance
21 that the corrections would be made.

22 Q Now, you made two more corrections, namely,
23 you said that two of the previous ordinances were
24 revised, one in 1938 and another in April, 1939. When
25

IWAMATSU

CROSS

1 did you think of those?

2 A Yes, I thought of those at that time.

3 Q Did you point out that the affidavit was
4 wrong in those two respects?

5 A Yes.

6 Q Then why did you swear it if the corrections
7 were not made before you swore it?

8 A I swore to it because I had been promised
9 that the corrections would be made.

10 Q But you signed it as it was without the
11 corrections. Isn't the truth that you were afraid
12 that we should know about these two revisions and
13 that then it would appear that your statement that
14 ARAKI had never made any alterations was untrue?

15 A No, I didn't entertain any such fear.

16 Q And didn't you then think that the only way
17 out of the difficulty was to put in those words "at
18 his own initiative"?

19 A No.

20 Q In what month in 1938 was that revision made?

21 A I don't remember.
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1 Q How did you find out about it if you haven't
2 got the document with the date before you?

3 A I got the date from my own notebook as well
4 as from the compilation of regulations.

5 Q Well then, you do know the date? Tell us
6 what it was.

7 A May I be permitted to reply to that ques-
8 tion after I look the matter up?

9 Q Have you got the document to look it up in?

10 A I do not.

11 Q Why didn't you bring it with you?

12 A I thought I was prohibited from bringing
13 things into the court room.

14 Q Is it in this building?

15 A Yes.

16 MR. COMYNS CARR: May the witness be per-
17 mitted to send for it, your Honor?

18 THE PRESIDENT: Yes, he may.

19 MR. COMYNS CARR: Can defense counsel send
20 for it? I am obliged.

21 Q Now then, when you say that ARAKI didn't do
22 this at his own initiative, you mean that he did it
23 against his will?

24 A No, that is not my meaning at all.

25 Q What is your meaning then?

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18 THE PRESIDENT: Yes, he may.

19 MR. COMYNS CARR: Can defense counsel send
20 for it? I am obliged.

21 Q Now then, when you say that ARAKI didn't do
22 this at his own initiative, you mean that he did it
23 against his will?

24 A No, that is not my meaning at all.

25 Q What is your meaning then?

IWAMATSU

CROSS

1 A I mean by that that it was customary that
2 matters would be duly discussed at conferences and
3 understanding reached between the various different
4 departments concerned, and that on the basis of
5 conclusions arrived at the Minister of Education
6 would issue regulations.

7 Q Would you tell us where that document is
8 that -- have you got it now? Have you got the
9 document you wanted now?

10 A Yes, I have.

11 I think it was November.

12 Q Why do you only think?

13 A It was November.

14 Q Have you found the document?

15 A I have.

16 Q Let us see it, please.

17 (Whereupon, the document referred to
18 was handed to Mr. Comyns Carr.)

19 MR. McMANUS: May I have that document
20 marked for identification, please?

21 THE PRESIDENT: Yes, certainly. It will
22 be sufficient to mark it after its being put to
23 whatever use it is being put in this Court today.

24 BY MR. COMYNS CARR (Continued):

25 Q What is it? Is it the actual regulation?

1 A Yes.

2 Q Meanwhile, I will go on with the question
3 I was asking you, about ARAKI's initiative. If it
4 wasn't at his own initiative, at whose initiative
5 was it?

6 A I mean to say that customarily the
7 authorities in charge, that is the departments in
8 charge, carried out these matters.

9 Q That is not an answer to the question.
10 Try again.

11 A May I have that question repeated?

12 Q If it wasn't at ARAKI's initiative that
13 these changes were made, at whose initiative was it?

14 A It was the former practice for the various
15 ministries concerned to consult among themselves
16 with respect to a certain matter, and the results of
17 these consultations are submitted to a more formal
18 conference where decisions are taken, and this
19 decision is carried out in the form of regulations.

20 Q Were you present when somebody proposed to
21 ARAKI that he should make these alterations, and he
22 agreed?

23 MR. McMANUS: I object to that question, if
24 the Court pleases.

25 THE PRESIDENT: I see nothing objectionable

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1 about it. It is a strange situation if ARAKI did
2 not know of this legislation, was merely passive,
3 didn't suggest it, didn't oppose it. I think
4 cross-examination is warranted to discover what the
5 true situation was.

6 The objection is overruled.

7 And all this arises out of an amendment of
8 the affidavit.

9 BY MR. COMYNS CARR (Continued):

10 Q What is the answer? Were you present?

11 A Such documents are in the custody of the --
12 since it is the chief of the document section who
13 has the document, I was not present -- I do not
14 know -- correction.

15 Q That doesn't seem to have anything to do
16 with the question. I will repeat it.

17 Were you present when somebody proposed
18 to ARAKI that these changes should be made and he
19 agreed?

20 A I was not present.

21 Q Then how do you know that he didn't do it
22 at his own initiative?

23 A That is because the various ministries con-
24 cerned had held consultations on a particular draft
25 regulation and because the draft had become a

IWANATSU

CROSS

1 completed document, a formal document, before
2 General ARAKI became Minister of Education.

3 Q Which one?

4 A That is with respect to compulsory attendance
5 at youth schools.
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1 Q Is that the one which is dated the 30th of
2 November, 1938, the one you just produced?

3 A May I have that repeated?

4 Q Is that the one dated November, 1938, which
5 you have just produced?

6 A This is not the same. This was the one issued
7 by the War Ministry.

8 Q Which is the one issued by the War Ministry?

9 A The one of which the prosecutor just spoke.

10 Q Do you mean to tell me that when I asked you
11 for the date of the change made by the Ministry of
12 Education, of which you have spoken, in 1938, you
13 handed me a document which comes from the War Ministry?

14 A What I would like to speak about is the re-
15 vision of the regulations relating to the compulsory --
16 relating to compulsory attendance at youth schools.

17 Q At the moment you are answering my questions,
18 and I want an answer to that one.

19 A Could you kindly repeat again so I would
20 know?

21 Q Do you mean to tell me that when I asked you
22 for the date of the document of which you spoke, which
23 was in your affidavit, issued -- or in your correction
24 to your affidavit -- issued by the Education Ministry
25 in 1938, you gave me a document which comes from the

IWAMATSU

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War Ministry?

1 A Perhaps my reply was not clear, but that is
2 not what I stated.

3 Q What do you want to say now?

4 A Mr. Prosecutor inquired of me with respect of
5 the matter of initiative, and therefore I replied
6 merely in a general way with regard to the initiative
7 of the Education Ministry, and I did not point out any-
8 thing specifically or concretely with regard to regula-
9 tions.

10 Q Pardon me. You said that the change had been
11 discussed and agreed between the departments before
12 ARAKI became Education Minister. Then I asked you
13 whether you were speaking of the one which you handed
14 to me, which is dated the 30th of November, 1938, and
15 you said that came from the War Ministry. Now, then,
16 what is the truth?

17 A Mr. Prosecutor, your question to me was:
18 What was the meaning of initiative? And it was on
19 that subject that I was making my reply.

20 Q Please do not try and ride off on that.
21 Answer the straight question.

22 A Then you asked me about this particular regu-
23 lations being issued in 1938 and I did not say anything
24 about the fact that it had come out of the Education
25

IWAMATSU

CROSS

1 Ministry. However, if I said "Ministry of Education,"
2 that would have been -- that was inadvertence on my
3 part, and I beg to apologize and make the correction.

4 MR. COMYNS CARR: I think this document had
5 better be marked now, your Honor.

6 CLERK OF THE COURT: Defense document without
7 number, entitled "A Regulation of the Ministry of War
8 in Re Education," dated 30 November, 1938, will re-
9 ceive exhibit No. 2379 for identification only.

10 (Whereupon, the document above re-
11 ferred to was marked defense exhibit No.
12 2379 for identification.)

13 Q Now, then, which was the document you were
14 referring to when you said it had been agreed between
15 the departments concerned before ARAKI became Educa-
16 tion Minister?

17 A That was revision of the regulations with
18 respect to the youth schools.

19 Q Is that the one which you told us came into
20 force in April, 1939?

21 A Yes.

22 Q Well, then, that was agreed between the de-
23 partments concerned according to you, while KIDO was
24 Education Minister, was it not?

25 A I spoke of this matter in the sense that

IWAMATSU

CROSS

1 since 1935, when the youth schools regulations were
2 issued, the question of compulsory attendance had been
3 under discussion between the Ministry of Education and
4 the War Ministry.

5 Q Do you mind answering the question? Was
6 it agreed while KIDO was War Minister -- was Education
7 Minister?

8 A No.

9 Q When was it agreed?

10 A General agreement was arrived at in 1935.

11 Q Are you being serious in answering these
12 questions?

13 A What do you mean, sir?

14 Q Do you seriously want us to believe that a
15 regulation which was made in ARAKI's time in April,
16 1939 had been agreed upon ever since 1935 but never
17 made?

18 A In effectuating the youth schools regulations,
19 because of the fact that there are various regulations
20 pertaining to military service and various questions
21 pertaining to the budget, it was very difficult to
22 enforce.

23 Q The truth is this, is it not, that the thing
24 was agreed at the time of Marquis KIDO and carried out
25 in the time of General ARAKI?

IWAMATSU

CROSS

1 MR. LOGAN: I object to that, if the Tri-
2 bunal please. It is assuming a state of facts which
3 has never been proven by the prosecution.

4 MR. COMYNS CARR: It is asking a question.

5 THE PRESIDENT: You can always adduce evi-
6 dence for the first time in cross-examination. He is
7 asked a simple question: Was it agreed in KIDO's
8 time and carried out in ARAKI's? He can say yes or
9 no to that. Objection overruled.

10 A That is not so.
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1 Q I will now ask you to produce the document,
2 the real document of 1938 to which you referred in
3 your correction that you gave us yesterday; namely,
4 the revision by the Ministry of Education of the
5 rules and regulations passed in August 1935 for the
6 inspection of military drill at the youth school,
7 according to your affidavit.

8 A Are you asking me to produce the document,
9 sir?

10 Q Yes.

11 A May I produce that later? I do not have the
12 copy here with me.

13 Q Isn't it in that file which was handed to you
14 just now?

15 A No.

16 Q We will ask you to produce it later. Now,
17 then, you corrected three dates in your affidavit
18 yesterday. I want you to correct a fourth. At the
19 bottom of page 2, you say, "It was after August 1941
20 that the military education in the schools was re-
21 adjusted and enforced more strongly." Two lines
22 further on you say, "It was at that time that the
23 military education in the university division of the
24 universities was made compulsory."
25

I want to point out to you that defense witness

IWAMATSU

CROSS

1 YOSHIDA told us yesterday in his affidavit in two
2 places that that took place in 1939, and that he
3 agrees with prosecution witness OUCHI, who told us the
4 same thing.

5 Are not they right and you wrong?

6 A I think military training in the universities
7 became compulsory in 1941. Just one moment please --
8 yes, 1941.

9 Q I suggest to you that it was ARAKI who did
10 that, and that he had, as OUCHI told us, unsuccessfully
11 tried to do it when he was War Minister, and he did it
12 when he became Education Minister. Isn't that right?

13 A That is not right.

14 Q Now, you agree that it was in ARAKI's time
15 that the youth training school was made compulsory?

16 A Yes, the regulation was issued in his time.

17 Q Do you also agree with Mr. YOSHIDA that it
18 was in his time that the gymnastics course and the
19 school military training course were separated?

20 THE MONITOR: Mr. Comyns Carr, will you kindly
21 rephrase your question, or repeat it again? You said
22 "his time." Is that ARAKI's time?

23 MR. COMYNS CARR: ARAKI's time.

24 A I do not exactly know the meaning of the
25 question.

IWAMATSU

CROSS

1 Q I will try again. You have told us, haven't
2 you, that originally the military training course was
3 part of the gymnastics course?

4 A Yes.

5 Q And that afterwards there was a change and
6 the military training course became a separate course.
7 I am asking you whether you agree with Mr. YOSHIDA
8 that that change was made in 1939?

9 A I cannot reply accurately because I do not
10 recall when that separation took place.

11 Q Now, about textbooks. You have spoken both
12 about the youth training school textbooks and also
13 about the textbooks in the ordinary schools. When
14 did the textbooks which were in use at the time of
15 the surrender of Japan first come into use?

16 A I should like to make a request, Mr. Prosecutor.
17 It is very difficult for me to reply to such a general
18 question. If it were more concrete I might be able to
19 reply.

20 Q Do you mean to say that different textbooks
21 came into force at different times?

22 A I mean to say that various revisions took
23 place from time to time when I was in the service of
24 the Ministry of Education and so I cannot answer in
25 a general way.

1 Q Well, take the subject of history. When were
2 the principal history textbooks last revised before
3 the surrender of Japan?

4 A It is difficult for me to speak of the matter
5 accurately because I was not at the Ministry of Edu-
6 cation at the time of the surrender.

7 THE PRESIDENT: We will recess for fifteen
8 minutes.

9 (Whereupon, at 1045, a recess was
10 taken until 1100, after which the proceedings
11 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Comyns Carr.

4 CROSS-EXAMINATION

5 BY MR. COMYNS CARR (Continued):

6 Q Mr. IWAMATSU, have you found that missing
7 document during the recess?

8 A I did not.

9 Q Where is it?

10 A At home.

11 Q Why is that the only one you didn't bring
12 with you?

13 A That is not the only one.

14 Q Well, now, with regard to the one which you
15 produced, which has been marked for identification,
16 I think, 2379 and which you say is a War Office docu-
17 ment, do you notice that it bears the signature of
18 Baron ARAKI?

19 A I know that, yes.

20 Q Now I want to come back to the question I
21 was asking you immediately before the recess. When
22 was the last revision of history textbooks for the
23 schools undertaken?

24 A I cannot accurately reply to that question
25 because books were outside of my primary duties.

IWAMATSU

CROSS

1 Q But you have expressed your opinion about
2 them though. You said there was nothing aggressive
3 in them. Are you qualified to express an opinion?

4 A I am speaking of the time when I was chief
5 of the ordinary education section of the Education
6 Ministry, at which time I read the textbooks in use
7 and on the basis of my reading of those books I gave
8 that statement.

9 Q When was that?

10 A 1937.

11 Q Was there a revision in 1938 of any of them?

12 A Your question, Mr. Prosecutor -- I cannot
13 comprehend your questions, Mr. Prosecutor.

14 Q Were any of those textbooks which you had
15 read in 1937 revised in 1938?

16 A What do you mean by "revisions in 1938"?

17 Q Were any of the textbooks changed in 1938?

18 A I do not know.

19 Q Were any changed in 1939?

20 A I do not know.

21 Q Then for all you know the ones which you
22 read in 1937 were not the same as the ones which
23 Mr. MAEDA told us he had destroyed -- he caused to
24 be destroyed when he became Minister of Education
25 after the surrender? That is so, isn't it?

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1 A In reply to your question, Mr. Prosecutor,
2 may I say that I read of the fact that Minister MAEDA
3 had caused to be destroyed a number of textbooks by
4 reports in the newspapers and among the books that I
5 read were books which were mentioned in the press
6 reports as having been destroyed.

7 Q Did you read that he had them destroyed
8 because he found them ultranationalistic and militar-
9 istic, particularly in history, civics and geography?

10 A Yes.

11 Q How do you know that they were the same
12 that you had read in 1937?

13 A I should like to have you correctly under-
14 stand and interpret what I say.

15 Q Interpret it.

16 THE PRESIDENT: We can only assume your
17 questions are being correctly interpreted to the
18 witness.

19 Q You said that you recognized some of these
20 books which were ordered to be destroyed from the
21 newspapers as being the same that you had read in 1937.
22 I asked you how you know that they were the same.

23 A I mean to say that in the press news stories
24 in the newspapers that I read I noted the titles of
25 books which I had read, but I did not specify whether

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1 they were geography books or otherwise -- I did not
2 specify history. In the university I specialized in
3 study and research in history, and I do not think
4 there are any passages or any statements in the
5 standard textbooks which may be regarded as aggres-
6 sive or ultranationalistic.

7 Q You thought they were the same because they
8 had the same titles. Do you realize that a book
9 may be rewritten and still have the same title?

10 A What I said was that there are various titles
11 given to various textbooks on national history and
12 that these titles which I read in the newspapers
13 coincided with them and therefore I thought that the
14 subject matter was the same.

15 Q Is there a word in Japanese for "yes"?
16 Is there a word for "no"?

17 A Yes.

18 Q Then why not use one or the other of them
19 instead of making a speech? Now try with my question.
20 Do you realize that a book may be rewritten and still
21 have the same title?

22 A (In Japanese).

23 Q I am sure that is more than yes or no. Answer
24 yes or no.
25

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1 THE PRESIDENT: Mr. Carr, you must let him
2 give his answer and we must hear it in English. We may
3 have missed something. Will the interpreters please
4 tell us what the witness just did say?

5 THE INTERPRETER: The witness just said,
6 practically to himself, "I do not understand the
7 question; I do not know what this word 'title' as
8 translated into Japanese means;" and an explanation
9 was made by the Language Section.

10 Q You just used the word yourself. You said
11 you read it in the newspaper, the titles of the
12 books, and you thought they were the same books.

13 A I was not speaking specifically of history
14 or anything. I was merely mentioning books and that
15 I had noted titles in the table of contents on text-
16 books on the national language.

17 THE PRESIDENT: Is it worth while persisting
18 with this witness, Mr. Comyns Carr?

19 MR. COMYNS CARR: No, your Honor.

20 Q One other question: You have told us that in
21 Marquis KIDO's time you were head of the document
22 division. Did your duties there include issuing
23 statements to the press?

24 A Yes. I should like to add a word by way of
25 explanation. Not all matters relating to affairs in

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1 the Ministry of Education are announced by the
2 document section of the Ministry of Education. Only
3 important matters are announced publicly by the chief
4 of the section. Other matters are directly announced
5 by the various other departments in the ministry.

6 Q Is it possible that an important statement
7 of policy could be issued to the Tokyo Gazette without
8 the knowledge of the Minister?

9 THE MONITOR: Mr. Prosecutor, did you say
10 "Tokyo Gazette"?

11 MR. COLYNS CARR: Yes.

12 THE MONITOR: Mr. Prosecutor, apparently
13 the witness is not familiar with this particular
14 publication.

15 THE WITNESS: No.

16 MR. COLYNS CARR: His answer is "no"?

17 THE INTERPRETER: Yes. The witness replied
18 no.

19 THE PRESIDENT: That may refer to his lack
20 of familiarity with the publication or it may be an
21 answer to your question, Mr. Carr. We had better
22 clear it up.

23 Q Do not you know that the Tokyo Gazette was
24 an official publication in English in which the various
25 government departments published their official views?

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CROSS

1 A I do not know.

2 Q Well, then, I will leave out the Tokyo
3 Gazette and put my question in this way: Is it
4 possible that an important statement of policy
5 could be issued to the press by the Ministry of
6 Education without the knowledge and approval of the
7 Minister himself?

8 THE MONITOR: Did you say "statement of
9 policy" or "statement and policy"?

10 MR. COMYNS CARR: Statement of policy.

11 THE MONITOR: Thank you, sir.

12 MR. LOGAN: If the Tribunal please.

13 THE PRESIDENT: Mr. Logan.

14 MR. LOGAN: I think in an important question
15 like this the prosecution should make it definitely
16 known to what publication they are referring rather
17 than leave it as a general statement and get a direct
18 answer to it.

19 THE PRESIDENT: Mr. Carr has now substituted
20 the "press" for the "Tokyo Gazette". The question is
21 clear.

22 MR. LOGAN: But, if the Tribunal please, I
23 believe the prosecution has a definite statement which
24 was issued in mind and I think that the question could
25 be made more definite and refer to that particular

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1 statement.

2 MR. COMYNS CARR: It will.

3 THE PRESIDENT: He is asked to answer a
4 general question which is sufficiently clear. We
5 can pass to a particular notification later.

6 THE WITNESS: Generally speaking, no statement
7 is issued without the knowledge of the Minister of
8 Education.

9 Q My question, your Honor, was concerned with
10 exhibit No. 266, a statement in the Tokyo Gazette,
11 March-April, 1938, headed, "The Japanese Spirit,
12 its Significance with Reference to the China Affair,
13 Department of Education." Do you remember that
14 statement being issued?

15 A I do not know.

16 MR. COMYNS CARR: As he said he does not know
17 what the Tokyo Gazette is, your Honor, it is probably
18 not worth pursuing it with regard to the particular
19 statement.

20 THE PRESIDENT: We do not want his opinion on
21 the importance of the statement either.

22 MR. COMYNS CARR: Your Honor, I have no
23 further questions but he has undertaken to produce for
24 us the missing document.

25 THE PRESIDENT: He can be recalled for

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CROSS
REDIRECT

1 further cross-examination on that if necessary.

2 Mr. McManus.

3 MR. McMANUS: If your Honor please, I would
4 like to ask one or two questions on redirect examina-
5 tion.

6 REDIRECT EXAMINATION

7 BY MR. McMANUS:

8 Q Mr. IWANATSU, I show you document marked
9 for identification 2379 which you handed to the
10 prosecutor a short time ago. Does there appear on
11 that document signatures of any other cabinet members
12 besides that of the accused ARAKI?

13 A Yes.

14 Q Is that document an Imperial Ordinance?

15 A Yes, an Imperial Ordinance.

16 Q Did it emanate from the War Department?

17 A Yes.

18 Q Has the Education Minister any authority to
19 disregard or not to comply with an Imperial Ordinance?

20 THE PRESIDENT: That is a question of law;
21 not for him. We can satisfy ourselves about that.
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1 MR. McMANUS: Well, possibly there may be
2 a misunderstanding as to the word "initiative", if
3 the Court pleases.

4 THE PRESIDENT: No. You asked whether he
5 was bound by -- whether the Imperial ordinances were
6 binding on the Minister for Education. That is a
7 question of law. If that is not, nothing is.

8 MR. McMANUS: I have no further questions.

9 THE PRESIDENT: The witness is released on
10 the usual terms.

11 MR. McMANUS: If the Tribunal pleases, I
12 am sure you will recollect that I only read portions
13 of this witness' affidavit. There are some paragraphs
14 there which pertain to Baron ARAKI. I, therefore,
15 request the Tribunal for permission to recall this
16 witness on the individual phase of Baron ARAKI.

17 THE PRESIDENT: We allowed the prosecution
18 to read parts of the same affidavit at different times.
19 I recollect that on the atrocities phase. We must
20 give you the same right.

21 MR. McMANUS: I now present Mr. HAYASHI who
22 would like to address the Tribunal.

23 THE PRESIDENT: Counsellor HAYASHI.

24 MR. HAYASHI: I should now like to tender
25 defense document 632 and should like to be permitted

1 to read it. This document is an affidavit of
2 TOKUTOMI, Ichiro. The deponent TOKUTOMI is very
3 desirous of personally appearing in this Tribunal
4 but at the present time he is unable to attend because
5 of an illness. Hence, I should like to present and
6 read his affidavit in expectation that he will appear
7 at this Tribunal after he has recovered.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If your Honor please, I object
10 to the introduction of this document in evidence not
11 solely on the ground of the absence of the affiant,
12 but principally on other grounds.

13 THE PRESIDENT: Still you are objecting
14 on the ground that he is not here.

15 MR. TAVENNER: No, sir. I am not basing
16 my objection on that ground.

17 THE PRESIDENT: That ground is passed over.

18 MR. TAVENNER: The prosecution views this
19 document as the most objectionable of any that has
20 been presented as constituting nothing more than a
21 thesis or a dissertation on education expressing
22 entirely opinions and conclusions of the affiant
23 and containing nothing which is of relevance to the
24 issues in this case. It is 44 pages in length. Eight
25 pages at the beginning show a statement of the contents,

1 to read it. This document is an affidavit of
2 TOKUTOMI, Ichiro. The deponent TOKUTOMI is very
3 desirous of personally appearing in this Tribunal
4 but at the present time he is unable to attend because
5 of an illness. Hence, I should like to present and
6 read his affidavit in expectation that he will appear
7 at this Tribunal after he has recovered.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If your Honor please, I object
10 to the introduction of this document in evidence not
11 solely on the ground of the absence of the affiant,
12 but principally on other grounds.

13 THE PRESIDENT: Still you are objecting
14 on the ground that he is not here.

15 MR. TAVENNER: No, sir. I am not basing
16 my objection on that ground.

17 THE PRESIDENT: That ground is passed over.

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19 document as the most objectionable of any that has
20 been presented as constituting nothing more than a
21 thesis or a dissertation on education expressing
22 entirely opinions and conclusions of the affiant
23 and containing nothing which is of relevance to the
24 issues in this case. It is 44 pages in length. Eight
25 pages at the beginning show a statement of the contents,

1 and I believe just a casual reference to that index
2 or table of contents will disclose the nature of
3 this document.

4 THE PRESIDENT: Did you read the last five
5 lines? "My heart bleeds when I think of the present
6 light of Japan." It seems to me to be an emotional
7 outburst. It will not help us very much, but I
8 think we ought to read it through to see whether
9 it has any value.

10 MR. HAYASHI: Before reading, I should
11 especially like to point out to this Tribunal that
12 Mr. TOKUTOMI is the foremost authority on the modern
13 history of Japan. The purpose of this evidence,
14 your Honors, is to show what Mr. Logan expressed in
15 his opening statement: that Japan took the course
16 that she did purely for the sake of national survival,
17 et cetera.

18 THE PRESIDENT: His status as an historian
19 does not come into this. He is writing this
20 for the information of this Tribunal. It is an appeal
21 to this Tribunal. It is not history. I have glanced
22 at several parts of this statement. It seems to be
23 throughout an emotional appeal to us.

24 MR. TAVENNER: Your Honor, may I point out
25 that this is not the type of document in which the

1 Tribunal would be called upon to sift matters of
2 opinion from statements of fact. From the standpoint
3 of the progress of the trial we are concerned about
4 the use of this type of document. To permit its
5 introduction will be encouragement for the presentation
6 of similar documents. I feel certain that if the
7 Tribunal will take a few moments to peruse this
8 document, it will save considerable time and will
9 prevent a precedent of a harmful character being
10 established.

11 MR. HAYASHI: This affidavit includes facts
12 as known to Mr. TOKUTOMI as one of our foremost
13 historians and also his opinions as an expert. By
14 reading it I do not think it would be preventing
15 the progress of this trial; and, therefore, I should
16 like the special permission of this Tribunal to be
17 permitted to read this affidavit.

18 THE PRESIDENT: Well, at least one of the
19 Members of the Court would like to peruse this before
20 coming to a conclusion. The rest of us, I think,
21 want to reject it outright. I always like to meet
22 the wishes of all my colleagues if that can be done.

23 MR. HAYASHI: I would further like to state,
24 your Honor, that this affidavit proves what has been
25 stated in Dr. KIYOSE's opening statement, paragraphs

1 4, 5, 6 and 13. I further wish to state that up
2 to this time no evidence has yet been tendered to
3 this Tribunal with respect to these points.

4 THE PRESIDENT: Objection upheld. The
5 document is rejected.
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1 MR. HAYASHI: I should next like to tender
2 in evidence defense document 663-A. This is an
3 excerpt from the Tokyo Assahi Shimbun newspaper,
4 your Honor.

5 THE PRESIDENT: Mr. Comyns Carr.

6 MR. COMYNS CARR: We have to take exception
7 to this series of documents marked 663 with various
8 letters, on the ground that they are all entirely
9 irrelevant to any issue which this Tribunal has to
10 try. They are concerned with the question of whether
11 there were in the years before 1931 instances of
12 bribery and corruption in Japanese official cir-
13 cles, not involving any of the accused as far as I
14 have been able to trace. In our submission the
15 question whether the Japanese Government or senior
16 or junior officials in it were corrupt in those
17 early years is entirely irrelevant, and we ask the
18 Tribunal not to allow its time to be taken up by
19 newspaper extracts purporting to show that it was.

20 MR. HAYASHI: May I explain the object of
21 such evidence, what I am expecting to prove by ten-
22 dering such evidence?

23 The prosecution, your Honor, in order
24 to support their contention that assassinations
25 and plans for such assassinations were utilized for

IWAMATSU

1 the preparation of an aggressive war, and have called
2 to this Tribunal such witnesses as INUKAI, WAKATSUKI,
3 and SHIDEHARA. My purpose, your Honor, is to show
4 that these assassinations and plans for assassina-
5 tions had no external motive whatsoever, but were
6 carried out for the purpose of internal reform;
7 and I should like to attack the credibility of the
8 prosecution's witnesses SHIDEHARA, INUKAI, and
9 WAKATSUKI, on whom the prosecution had placed such
10 importance and emphasis, and I should like to submit
11 excerpts from some of the newspapers of the time
12 to describe the corruption in political circles,
13 as well as in the financial groups. I also want to
14 show that all these moves were carried out for the
15 purpose of internal reform.

16 If I may be permitted to explain further:
17 The prosecution witness INUKAI said that the INUKAI
18 Cabinet -- that Prime Minister INUKAI was assassina-
19 ted because the INUKAI Cabinet was opposed to the
20 Manchurian Incident; and prosecution witnesses
21 WAKATSUKI and SHIDEHARA both said that the WAKATSUKI
22 Cabinet fell because it did not positively support
23 the Manchurian venture. I should like to prove that
24 the reason for the fall of these cabinets was as a
25 result of the inter-party struggle between the

IWAMATSU

1 Seiyukai and the Minseito and the existence of
2 corruption, bribery, et cetera, in political circles
3 at that time; and in order to show this there is no
4 other way than to produce the newspapers of the time.

5 On these grounds I should like to be per-
6 mitted to read these excerpts into the record.

7 THE PRESIDENT: Are there no cabinet min-
8 isters or others of the time available to you to
9 prove these matters? Newspaper articles, of course,
10 are colored by the political complexion of the par-
11 ticular newspaper. What papers are we to follow,
12 the pros or the cons? That is the difficulty here.

13 MR. HAYASHI: Yes, it is the defense's
14 desire to show proof by and through cabinet min-
15 isters of that time; but since that was a long time
16 ago, the defense has found great difficulty in find-
17 ing such a person to testify here. The newspaper
18 excerpts that I should like to tender to this Court
19 as evidence do not give the pros or cons or any of
20 the contentions or editorial views of the newspapers
21 but merely the fact that certain high officials of
22 the government had been investigated by the Public
23 Procurator's office.

24 The purpose of these newspaper excerpts
25 are to make even more clear the testimony of

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1 prosecution witnesses SHIMIZU, Konosuke and
2 TOKUGAWA, Yoshichika, and also exhibit 183.

3 THE PRESIDENT: Well, we must allow you
4 to meet the evidence given by the prosecution against
5 you on all these matters by the best evidence procur-
6 able. But what is it? This does not appear to be
7 it. This is an important issue undoubtedly, the
8 cause of the fall or the changes of the cabinets of
9 the time, and we should be in no hurry to reject
10 evidence without being sure it will be of no proba-
11 tive value. I think I will take advantage of the
12 luncheon adjournment to discuss this matter with the
13 other members of the Tribunal.

14 MR. COMYNS CARR: May I say just one
15 further word on it, your Honor?

16 THE PRESIDENT: Well, we have not been
17 allowing --

18 MR. COMYNS CARR: Well, there is an entirely
19 new point raised by my learned friend in his reply,
20 namely, the suggestion that this goes to the credi-
21 bility of some of the prosecution witnesses.

22 THE PRESIDENT: That is a collateral issue
23 on which you cannot call evidence. We appreciate
24 that.

25 We will adjourn until half-past one.

(Whereupon, at 1200 a recess was taken.)

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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. HAYASHI.

MR. HAYASHI: May I be permitted to present in evidence defense document No. 653-A, which I mentioned this morning, and read it?

THE PRESIDENT: Well, I think a majority of the Tribunal are against you on it. It appears to have no probative value. We have read it. It is only evidence of rumors. Even if it were evidence of the existence of corruption you would have to prove in addition the effect of that corruption. Then, of course, there is the objection of using newspapers whose opinions are colored by their political affiliations. The objection is upheld and the document rejected.

MR. HAYASHI: In that event, your Honor, I should like to tender in evidence for identification only defense document No. 663-A.

THE PRESIDENT: What is your point? We don't do that with rejected documents.

1 MR. HAYASHI: I should like to tender in
2 evidence defense document No. 663-B and read it.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: Same objection, your
5 Honor, on the same grounds.

6 THE PRESIDENT: We will look at it.

7 MR. HAYASHI: This document is to show that
8 General YAMANASHI, Hanzo, Governor-General of Korea,
9 and SATAKE, Sango, Vice-Minister of Railways, accented
10 bribery and they were examined by the prosecutor's
11 office, attorney's office, for that charge. Am I
12 permitted to read it?

13 THE PRESIDENT: We are reading it to see if it
14 has any probative value. You need not read anything.
15 It has not yet been admitted. "It is reported" and
16 "it is believed." It is all that type of thing. There
17 is no evidence of any finding unless I have missed it.

18 By a majority the objection is upheld and
19 the document rejected.

20 MR. HAYASHI: I should like to be permitted
21 to tender defense document No. 663-C as evidence and
22 read it. It proved that Mr. AMAOKA, Director of the
23 Board of Decorations, and Mr. OGAWA, Heikichi,
24 Minister of Railways, were prosecuted on the charge
25 of accepting bribery.

1 THE PRESIDENT: Mr. Comyns Carr.

2 MR. COMYNS CARR: Same objection on the same
3 grounds, your Honor.

4 THE PRESIDENT: It is still the same type
5 of thing; no findings.

6 MR. HAYASHI: I should like to be permitted
7 to tender defense document 663-D. Since it is very
8 important I should like to be permitted to tender it
9 for identification only first and then read it.

10 THE PRESIDENT: We haven't dealt with 663-C
11 yet. By a majority the objection is upheld and the
12 document rejected.

13 MR. HAYASHI: I should like to be permitted
14 to tender defense document 663-D for identification
15 only. It will prove that Baron WAKATSUKI, Prime
16 Minister at the time of the October Incident, 1931,
17 and Minister of Education, Mr. KOHASHI, were interro-
18 gated by the prosecutor's office on the suspicion of
19 having accepted bribery. It is an announcement made
20 by Justice Minister WATANABE according to the reports
21 submitted by Prosecutor General KOYAMA. The defense
22 should like to prove that these instances were the
23 causes which prompted the youth, the single minded
24 youth and the young officers of the army to urge
25 national reform. It is one of the proofs which clarify

that such actions of the younger officers had nothing
to do with the Manchurian Incident.

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1 MR. COMYNS CARR: Your Honor, I object and on
2 the same grounds, but as counsel has thought fit to
3 mention the name of Mr. WAKATSUKI before the document
4 had been ruled upon by the Tribunal, it is only fair
5 that I should state that the document itself shows that
6 he was completely exonerated.

7 THE PRESIDENT: There is no finding by any
8 judicial body after hearing the parties as far as I can
9 discover.

10 MR. COMYNS CARR: Yes.

11 THE PRESIDENT: There may have been an ex-
12 parte investigation.

13 MR. HAYASHI: What I would like to say is that
14 the youths were incited not by the fact that these
15 people were sentenced guilty -- found guilty -- by
16 judicial sentence, but because of the fact that these
17 people accepted bribery.

18 MR. COMYNS CARR: Your Honor, in my submission --

19 MR. HAYASHI: These people planted the seeds
20 of corruption.

21 THE PRESIDENT: We do not know what this man
22 is saying until it is put into English and then it is
23 too late to do anything. He can make any reckless
24 statement at the lectern and we have to allow him to
25

KIDO

DIRECT

1 make it because we do not know what he is saying. He
2 is grossly mistaken if he thinks such tactics will help
3 his client with us.

4 By a majority the objection is upheld and the
5 document rejected.

6 MR. HAYASHI: I should like to be permitted
7 to take this opportunity to call witness Mr. KIDO, Shiro.

8 - - -

9 S H I R O K I D O, called as a witness on
10 behalf of the defense, being first duly
11 sworn, testified through Japanese in-
12 terpreters as follows:

13 DIRECT EXAMINATION

14 MR. HAYASHI: I should like to point out to
15 the Tribunal at this opportunity that this witness and
16 the accused KIDO have no relation whatsoever.

17 BY MR. HAYASHI:

18 Q I should like to ask the name and age of the
19 witness.

20 A KIDO, Shiro, 54 years old.

21 Q Where do you live?

22 A No. 56 Otsuka-machi, Koishikawa ward, Tokyo.

23 Q Will you kindly state your educational background
24 briefly?

25 A Graduated from the Law Faculty of the Imperial

1 University -- Tokyo Imperial University in 1933.

2 THE MONITOR: Law College of Tokyo Imperial
3 University.

4 Q Could I be told your occupation after your
5 graduation from the University?

6 THE MONITOR: Slight correction: Graduated
7 in 1919 not 1933.

8 A I became the Director General of the Shochiku
9 Cinematographic Company in the year 1922. While being
10 the Director General of the company in the year 1924,
11 I also became concurrently Chief of the studio and
12 I resigned as the Chief of the studio in the year 1944.

13 THE MONITOR: 1943.

14 A (Continuing): I am Vice-President of the
15 Shochiku Cinematographic Company at present. That is
16 all.

17 Q Have you ever been engaged in other business
18 concerning -- related to motion pictures?

19 A I haven't done anything else.

20 Q When you entered Shochiku Cinematographic
21 Company what percentage of the motion pictures made in
22 Japan did the company make?

23 A The company was producing approximately 35 per
24 cent of the films produced in Japan, including modern
25 and classic stories.

KIDO

DIRECT

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1 Q Since you entered the company and until the
2 end of the war what percentage of the motion pictures
3 produced by this company occupied -- what percentage
4 of the films produced in Japan did the motion pictures
5 produced by this company occupy?

6 A About 35 per cent also.
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1 Q What kind of motion pictures did the
2 Shochiku Company make?

3 A The Shochiku Motion Picture Company once
4 produced dramatic films, cultural films, as well as
5 newsreels. However, later, when newspapers under-
6 took to make newsreels, the Shochiku Motion Picture
7 Company abandoned producing -- the project of pro-
8 ducing newsreels because it did not possess its own
9 distribution method.

10 Q Are the cultural films being made -- still
11 being made by the company?

12 A The Shochiku Company suspended producing
13 cultural films also; and today the company makes only
14 dramatic films.

15 Q Did each cabinet attach importance to the
16 propaganda by motion pictures?

17 A We were very much infuriated, so to speak,
18 as the governments -- successive governments did not
19 attach any importance at all to the motion pictures.
20 Furthermore, statesmen and intelligentsia in general
21 regarded motion picture as -- only as a means of amuse-
22 ment and did not regard the motion picture on the same
23 standard as the newspapers or magazines or radio.

24 Q Did the military attach importance to propa-
25 ganda by motion pictures?

KIDO

DIRECT

1 A During the period between 1931 up to the time
2 of the war the fighting services, far from attaching
3 importance to the motion pictures, did not recognize
4 the importance -- its importance at all, and it was
5 quite surprising in view of the fact that civilized
6 countries of today regard the motion picture same as
7 radio, newspapers and other publications.

8 THE MONITOR: "The fighting services" just
9 change to "military."

10 Q Was there any case between 1928 and 1941
11 where the theme of a motion picture was forced by
12 legislation?

13 THE MONITOR: Theme or the production of the
14 motion pictures.

15 A The law never forced or required anything of
16 the motion picture.

17 THE MONITOR: Slight correction: There has
18 never been laws to enforce or force or demand the
19 production of the motion picture films.

20 Q Was there any case between 1928 and 1941
21 where -- if the theme of the production of a motion
22 picture was forced by ordinance?

23 THE MONITOR: By order.

24 A No.

25 Q Have you ever made a motion picture for

KIDO

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1 militaristic propaganda between 1928 and 1941?

2 A None in the field of dramatic films.

3 Q Have you made militaristic film in the form
4 of cultural or newsreels?

5 A As I said before, we stopped producing
6 newsreels and cultural pictures. Therefore, we had
7 nothing to do with them.

8 Q Do you know the proportion between the
9 motion pictures -- non-militaristic motion pictures
10 except feature films and news films and --

11 THE MONITOR: Do you know the proportion
12 between the militaristic propaganda films and the
13 films produced for amusement and other propaganda
14 purposes -- non-military propaganda purposes?

15 A May I have the question repeated?

16 Q Do you know the number of motion pictures
17 produced between 1928 to 1941 which were not feature
18 films and militaristic propaganda films and the number
19 of militaristic films? I mean to say, the number pro-
20 duced throughout Japan, not only by the Shochiku Com-
21 pany.

22 THE MONITOR: And the question is on the
23 percentage, the proportion between the two.

24 A I remember that the percentage was very low.
25 However, as to the figures, I do not recollect them

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1 here.

2 Q Not only militaristic propaganda films, but
3 in every kind of film was there any film which propa-
4 gandized aggressive war?

5 A None during -- between -- in the period be-
6 tween 1931 and the time of the war.

7 Q What was the reason for not having the manu-
8 factured militaristic propaganda film?

9 A The motion picture is a means of democracy,
10 and it's based -- it has its foundation upon the
11 masses in general. Therefore, a theme for the motion
12 picture -- the theme for the motion picture is in-
13 variably taken from liberal ideas. Therefore, the
14 masses generally don't care for a film which exposes
15 too nakedly the purpose of propaganda for an ideology.

16 THE MONITOR: Which obviously shows.

17 A (Continuing) And the masses always looked
18 for amusement through dramatic films, and they also
19 wanted to have some comfort in life.

20 Q Was the object and principle of producing
21 motion pictures in Japan just as you told us now?

22 A Yes, approximately.

23 Q You have just told us that motion pictures
24 which obviously shows ideological propaganda don't
25 take, but what attitude did you take towards communism?

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1 MR. TAVENNER: Your Honor, I object. I think
2 the attitude of this witness toward communism is im-
3 material, irrelevant.

4 THE PRESIDENT: Even if he asked what commu-
5 nistic or anti-communistic pictures he published, that
6 would hardly be relevant. Perhaps that is what he
7 meant to ask.

8 Q Was censorship exercised over the production
9 of motion pictures?

10 A Yes, there was censorship.

11 Q What kind of -- what part was deleted by
12 censorship?

13 A The parts which were contrary to public moral
14 and order were eliminated usually.

15 Q Was such part deleted or permitted as might
16 incite foreign countries militarily or ideologically?

17 THE MONITOR: Which might excite.

18 A Concerning the question of provoking -- not
19 exciting feelings in foreign countries, the govern-
20 ment was very careful --

21 THE MONITOR: Over-sensitive.

22 A (Continuing) Over-sensitive; and, before a
23 film was made, we had to present -- submit, as a rule,
24 the script to the censors.

25 THE MONITOR: There was a tendency to be

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1 over-sensitive about these things; and, even before
2 a picture was made, we had to submit our scripts --
3 scenarios.
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1 Q Has there never been a case with the
2 Shochiku Company where a motion picture which was
3 likely to be regarded as militaristic was produced?

4 A There was no such cases; no. However, even
5 though a film with -- having war as its background --
6 even if it can be assumed the film which has war as
7 its background is a militaristic picture, we have
8 produced only two, out of nine hundred thirty-three
9 films which we have made between -- during the period
10 between 1928 and 1941. However, those two also we
11 do not regard them at all as militaristic pictures,
12 the reason for which is: one -- the title of one of
13 the two films is "Pray to the Dawn." It is a film
14 based upon maternal love and love between two sexes,
15 and love for animals.

16 Another one was called "Nishizami Sensha-
17 taicho," or "The Biography of Captain NISHIZAMI,"
18 captain of a tank unit. This was based on a biography
19 written on the life of this captain and it tended
20 to show what a humanitarian person Captain NISHIZAMI
21 was.

22 Q Did the government give monetary subsidy to
23 the production of motion pictures?

24 A No, not during that period.

25 Q Then, did the military give monetary

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1 assistance to the production of motion pictures
2 between 1928 and 1941?

3 A No.

4 Q Did the Shochiku Company import and exhibit
5 motion pictures -- American made motion pictures?

6 THE MONITOR: Foreign motion pictures,
7 especially American motion pictures.

8 A The Shochiku Motion Picture Company had
9 about seventy cinema houses throughout Japan, most
10 of them being located in large cities, therefore it
11 imported and presented many American and other foreign
12 pictures, especially -- particularly a large number
13 of American pictures.

14 Q What were the themes of foreign motion
15 pictures, especially American motion pictures,
16 exhibited by the Shochiku Company?

17 A They were mostly pictures -- amusement and
18 cultural pictures, and they had very great effect on
19 the Japanese motion pictures.

20 THE PRESIDENT: Mr. Tavenner.

21 MR. TAVENNER: If your Honor please, I
22 object to this line of testimony on the ground that
23 it is nothing more than setting up a strong man in
24 order to knock him down. These matters are irrelevant
25 to any issue in the case.

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1 MR. HAYASHI: I venture to think that if
2 my question has setting up a strong man and knock
3 him down, then the question in the case of the
4 prosecution -- the testimony of Mr. NAKAI, Kimbei,
5 for the prosecution, should be of the same character
6 -- should be considered as of the same character.

7 If Mr. Tavenner so desires I should like
8 to read the testimony of Mr. NAKAI, Kimbei.

9 THE PRESIDENT: We know what he said; we do
10 not want you to read it. Very little of the testi-
11 mony of this witness is directed to the real point,
12 that is, to show that the pictures were not used to
13 any appreciable extent for military propaganda. He
14 has given very little evidence to that effect. It
15 is important to know, of course, the proportion of
16 military pictures. We are not concerned in knowing
17 what other types of pictures there were, but the
18 proportion is always important. You have directed
19 nothing to that effect.

20 The objection is upheld.

21 Q Has any of the government restricted the
22 exhibition of a foreign motion picture?

23 A There was no restriction placed, however,
24 prior to 1941, that is before the outbreak of the
25 war, the government imposed a slight restriction on

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1 the number of films to be presented. I think the
2 government did impose certain amount of restriction
3 on the number of films to be presented.

4 Q Did the military restrict the importation
5 or exhibition of a foreign motion picture?

6 A No.

7 Q What was the percentage between the amount
8 of motion pictures -- total amount of motion pictures
9 produced in Japan and that of militaristic propa-
10 ganda films?

11 A I have no material here to rely upon,
12 however -- and I do not recall it; however, I can
13 state that there were very few films manufactured.

14 THE MONITOR: A slight addition to the
15 question before: that was during the period of
16 1928 to 1941.

17 A Especially among the dramatic pictures,
18 there were very few of the so-called militaristic
19 pictures or war pictures.

20 Q Could you not say, for instance, one per
21 cent, or less than one per cent?

22 A This -- I am going to make this testimony,
23 relying on my memory only, therefore it may not be
24 accurate, but as I recall, the percentage of dramatic
25 pictures was something like 0.5%, and that of

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1 cultural and other pictures 2 or 3%.

2 THE MONITOR: That is the percentage of
3 the militaristic pictures against the total pictures
4 produced.

5 MR. HAYASHI: I now conclude my direct
6 examination and the prosecution may cross-examine the
7 witness.

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THE PRESIDENT: Mr. Tavenner.

CROSS-EXAMINATION

BY MR. TAVENNER:

Q Mr. KIDO, I understood you to state twice that you did not know the percentage of military propaganda films as compared with other films that had been produced. Are you now merely guessing as to the matter that you stated you had no knowledge of?

A What I meant by when I said that I did not know was that I could not give an accurate percentage here.

Q Were you speaking of the percentage of military propaganda films in your own company?

A I stated that during the period between 1928 and the beginning of the war 933 dramatic films were made, out of which there were only two pictures which may have been regarded as something like war pictures, because they had war as their background.

Q You are speaking then of the production of your own company?

THE PRESIDENT: He made that very plain.

A I gave it as an example of a concrete figure.

Q Will you answer my question please?

A I understand.

Q Well, then, will you answer it? Did those

1 figures represent the production figures of your
2 company?

3 A Yes.

4 MR. TAVENNER: I have no further questions.

5 MR. HAYASHI: No redirect examination, your
6 Honor.

7 THE PRESIDENT: The witness is at liberty on
8 the usual terms.

9 (Whereupon, the witness was excused.)

10 MR. HAYASHI: Your Honor, since the present
11 witness may be called again in future, will the Court
12 please permit him to leave on the usual terms?

13 THE PRESIDENT: I said so.

14 MR. HAYASHI: I should like to introduce
15 Mr. SUGAWARA.

16 MR. SUGAWARA: I am SUGAWARA. I should like
17 to be permitted to call the witness Mr. MIZUNO Shinko.
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1 S H I N K O M I Z U N O, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. SUGAWARA:

6 Q What is your name?

7 A MIZUNO, Yoshiyuki.

8 Q Can Yoshiyuki be read also Shinko?

9 A Yes.

10 Q Where do you live?

11 A No. 55 Sakuragaoka-machi, Shibuya Ward,
12 Tokyo.

13 Q What is your occupation?

14 A I am the Chairman of the Preparatory Committee
15 for the Establishment -- of Japanese Cooperative Society
16 for the Establishment of a World State.

17 Q Please state your career.

18 A I was working at the Osaka Mainichi Shimbun
19 from May 1919 to October 1933. My duties at the
20 Osaka Mainichi Shimbun newspaper during that period
21 were generally cultural work to publicize the news-
22 paper.

23 Q What was your post in the Osaka Mainichi
24 Shimbun in those days?

25 A When I entered that newspaper no organization

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1 which conducted matters relating to propaganda existed --
2 or publicity existed within the paper. However, I was
3 transferred from the editorial office to the general
4 activities department in the year 1920, and from then
5 on I was connected with all cultural enterprises,
6 including motion pictures, et cetera.

7 In 1927 I became the vice-chief of the general
8 enterprise department, and concurrently chief of the
9 motion picture section. And it was in 1933 that I
10 became chief of the motion picture department or
11 motion picture section.

12 MR. COMYNS CARR: Your Honor, in our sub-
13 mission it is a waste of the time of the Tribunal to
14 take the careers of these witnesses at the length
15 at which this one and some others are being taken.

16 WITNESS: And in the year 1933 the motion
17 picture section was enlarged and was made into a
18 department, and I became the chief thereof.

19 THE PRESIDENT: Well, this is the first
20 objection to a witness' background. We don't know what
21 he is going to testify to. He may be going to give
22 such important evidence we would want to know the
23 whole of his career. Something was said about a
24 world state.

25 Confine his curriculum vitae, as the Japanese

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call it, to what is essential.

1 MR. SUGAWARA: I understand, your Honor, yes.

2 The defense is interrogating this witness
3 to produce counter evidence to the evidence submitted
4 by the prosecution in the form of a film entitled,
5 "Hijoji Nippon," "Japan in Emergency."

6 THE PRESIDENT: We will recess for fifteen
7 minutes.

8 (Whereupon, at 1445, a recess was
9 taken until 1500, after which the proceedings
10 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. SUGAWARA.

4 MR. SUGAWARA: Your Honor, this witness
5 was responsible for the production of the motion
6 picture entitled, "Japan in Emergency." The prosecu-
7 tion has interrogated the witness, Mr. NAKAI, Kimbei
8 by name, who was a student when this motion picture
9 was produced.

10 THE MONITOR: A mere student.

11 MR. SUGAWARA (Continuing): Since this
12 witness personally planned and produced the motion
13 picture in question I believe it is important that
14 the Court hear what his career was and with what
15 idea he produced this motion picture. Will the
16 Court please permit the witness to state his career
17 in motion picture circles?

18 THE PRESIDENT: I am dealing with another
19 matter now.

20 Will counsel for MATSUI come to the lec-
21 tern, please?

22 The accused MATSUI is not in the dock, and
23 I have no explanation of his absence from any official
24 source. I understand from the Marshal that he is in
25 the court somewhere. I understand that he is in the

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1 security room but he is too ill to attend in court.
2 Counsel for the accused should always be present or
3 arrange for somebody to appear in their absence.
4 We will proceed with the case in the meantime.

5 Dr. UZAWA.

6 DR. UZAWA: I take the place of counsel for
7 Iwane MATSUI, since I, too, am employed as his
8 defense counsel.

9 THE PRESIDENT: Well, I understand he is
10 too ill to come into the courtroom. You are appear-
11 ing for him; so his interests will be protected.

12 We have heard enough of this witness'
13 background for the time being. Proceed to ask him
14 questions bearing on the matters he was called to
15 testify about.

16 MR. SUGAWARA: Since this witness was
17 responsible for the production -- planning and pro-
18 duction of the picture, "Japan in Emergency," I
19 should think it would be more advisable that his
20 background in the motion picture field be known to
21 the Tribunal.

22 THE PRESIDENT: I told you we did not want
23 to hear any more about his background. If you do
24 not proceed to examine him on substantial matter we
25 will stand him down.

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1 MR. SUGAWARA: The counsel for the accused
2 MATSUI has come into the courtroom. Shall I have
3 him come to the lectern?

4 THE PRESIDENT: No, there is no need to.
5 BY MR. SUGAWARA (Continued):

6 Q Did you produce during your tenure of
7 office in Osaka Mainichi Shimbun newspaper the
8 motion picture entitled, "Japan in Emergency"?

9 A Yes.

10 Q Will you please state the objective of the
11 production?

12 A I think I can divide the objective for the
13 production of this motion picture into three parts.
14 At that time we devoted considerable time to study
15 in connection with the development of the motion
16 picture film as one of the media of education. We
17 also took into consideration the idea of converting
18 or producing a motion picture reflecting what might
19 be treated in treatises or essays or addresses, now
20 matter how difficult, and, therefore, various films
21 were made in lieu of textbooks for use in school
22 education as well as in general social education,
23 and, therefore, we had the intention of making into
24 a motion picture production a representative essay.
25 Another objective is, if I may explain, that the

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1 Japanese motion picture world then, as well as now,
2 entertained the idea that unless there was some
3 amusement value in a picture the production objec-
4 tive could not be reached.

5 THE MONITOR: Unless they were story films.
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1 A (Continuing) And our second objective was
2 to show that a cultural film of this kind would also
3 sell in the motion picture market. In explaining the
4 third object I should say that international relations
5 at that time were very much strained while internally
6 there was a great deal of ideological or thought con-
7 fusion. When that particular film was produced the
8 Japanese delegation at the League of Nations was
9 making a very strong effort -- although isolated was
10 making a strong stand.

11 Speaking domestically, communism was spread-
12 ing almost like a wild fire and one strike after
13 another was being carried out in various parts of
14 the country, and at such time the totalitarian
15 philosophy of the Nazis came into Japan which some
16 people in Japan interpreted to mean identical with the
17 Kodo or Imperial Way, or Imperial ideal system, bring-
18 ing about a clash between the communistic elements
19 and the totalitarian elements. Various terrorist
20 acts took place and at the same time some people were
21 leading a life of decadence, thus bringing about a
22 confusion which did not permit the people of Japan
23 to know whither they were going. And under such cir-
24 cumstances we believed that not only through newspaper
25 editorials but by utilizing the strength and power and

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1 influence of the motion picture to bring order out
2 of the chaos in the thought world as well as to
3 educate the people at large in international rela-
4 tionships this plan to produce the picture "Japan in
5 Emergency" was decided upon at a conference of the
6 senior officers of the Mainichi Shimbun newspaper.

7 Q What was the reason for the witness using
8 especially the address of War Minister ARAKI?

9 A The question was discussed quite at length
10 at the conferences of the senior officers of the
11 newspaper as to who could best portray the state or
12 position of Japan -- of the real Japan. As a result
13 of these conferences it was decided that among all
14 men, whether of the military field or non-military,
15 that the then War Minister ARAKI was the most moderate
16 and the most neutral in his thinking.

17 Q Will you please state briefly the procedure
18 of the production of the motion picture?

19 THE PRESIDENT: We are not interested in the
20 mechanics of the thing. We are only interested in
21 what it does. We have seen this picture.

22 MR. SUGAWARA: I believe that what effect
23 this motion picture caused upon the people of Japan
24 should be considered in the light of what idea the
25 producer produced it.

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1 THE PRESIDENT: Do you think they thoroughly
2 appreciated his purposes?

3 MR. SUGAWARA: Yes.

4 THE PRESIDENT: It is going to be difficult
5 to agree with you.

6 MR. SUGAWARA: I should say that it would be
7 convenient if the Tribunal hears the background of
8 the production of this motion picture, how it came
9 about to be produced.

10 THE PRESIDENT: That is entirely irrelevant
11 but it is not objected to.

12 Q Will the witness please state?

13 THE PRESIDENT: This is just what I think too.
14 Like any other document it must speak for itself. This
15 witness cannot interpret it for us.

16 MR. SUGAWARA: I believe it is a matter of
17 interest to this Tribunal how the witness planned this
18 motion picture and why he came to trouble War Minister
19 ARAKI with an address.

20 THE PRESIDENT: Mr. Comyns Carr.

21 MR. COMYNS CARR: If your Honor pleases, we
22 object to questions on those lines. As your Honor has
23 just said, the picture speaks for itself and the
24 speech delivered with it.

25 THE PRESIDENT: No expert assistance is

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1 required in its interpretation and he can give none
2 in any event.

3 MR. SUGAWARA: I should like to have the
4 witness shown prosecution exhibit 148-A and to have
5 the witness express his views on the matter.

6 THE PRESIDENT: By a majority the Court has
7 decided not to hear this witness further on the inter-
8 pretation of that picture. The objection is upheld
9 and the evidence disallowed.

10 MR. SUGAWARA: May I seek the testimony of
11 this witness about a part of the motion picture about
12 which the prosecution witness, Mr. NAKAI, Kimbei,
13 testified?

14 THE PRESIDENT: What part of Mr. NAKAI's
15 evidence do you wish to meet? You might read it out
16 briefly. We do not want a long extract.

17 MR. SUGAWARA: There is a scene in reel 9
18 which is a cartoon of 600 Japanese aircraft disposing
19 foreign aircraft.

20 THE PRESIDENT: That is still interpretation.
21 It is covered by our decision. We will not hear that.

22 MR. SUGAWARA: The prosecution submitted
23 photographs of Japanese fleet and the United States
24 fleet navigating in high seas. I believe it is neces-
25 sary to know the purport of these photographs.

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1 THE PRESIDENT: No, as long as you admit
2 they are battleships which the prosecution claimed,
3 there is nothing for you to deal with through this
4 witness. If you contend that they are not British
5 and American battleships as claimed by the prosecution
6 you may ask this witness to deny what the prosecution
7 said.

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1 MR. SUGAWARA: I do not contest that as
2 counsel. The purport -- the reason why these
3 photographs were included in the motion picture in
4 question was to explain the international situation
5 by way of photographs of naval maneuvers.

6 THE PRESIDENT: If any explanation was given
7 with the picture at the time when it was exhibited
8 to the Japanese public, you may give that explanation
9 in evidence; but this man is not going to give that
10 explanation.

11 We will receive any explanation given
12 to the Japanese public with the picture.

13 BY MR. SUGAWARA (Continued):

14 Q What part of the picture most effectively
15 represents the purport of War Minister's address?

16 THE PRESIDENT: Mr. Comyns Carr.

17 MR. COMYNS CARR: In my submission that
18 question is within the rulings your Honor has already
19 given.

20 THE PRESIDENT: It certainly is equally
21 objectionable and the objection is upheld.

22 Q What was the cost of the production of this
23 motion picture?

24 THE PRESIDENT: It is immaterial. It is
25 irrelevant and immaterial.

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1 Q Lastly, what was the profits after the
2 production of this motion picture?

3 THE MONITOR: How was this picture received
4 after it was introduced to the public? What was the
5 results achieved by this picture?

6 THE PRESIDENT: Three questions.

7 MR. COMYNS CARR: In my submission both
8 questions are equally immaterial.

9 THE PRESIDENT: I suppose you mean all three.
10 There were three, Mr. Comyns Carr. They are all
11 irrelevant and immaterial. The objection is
12 upheld.

13 Q Do you know how this motion picture was
14 brought to public exhibition -- brought to public
15 in exhibition?

16 THE MONITOR: No, it was exhibited.

17 MR. COMYNS CARR: How it was brought, your
18 Honor, in my submission is immaterial. It has been
19 proved it was brought.

20 THE PRESIDENT: It is irrelevant and the
21 objection is upheld.

22 MR. SUGAWARA: This concludes my questioning.

23 MR. COMYNS CARR: We do not cross-examine,
24 your Honor.

25 THE PRESIDENT: The witness is at liberty on

1 the usual terms.

2 (Whereupon, the witness was excused.)

3 THE PRESIDENT: Mr. McManus.

4 MR. McMANUS: If your Honor please, I would
5 like to tender defense document No. 202-P-2, an
6 excerpt from John B. Powell's book "My Twenty-Five
7 Years in China" showing that in 1936 General MacArthur
8 advocated a program for Phillipine training for the
9 Phillipines.

10 THE PRESIDENT: Brigadier Nolan.

11 BRIGADIER NOLAN: Mr. President, we object
12 to this excerpt for the same reasons and upon the
13 same grounds that we objected to other excerpts
14 from this book "My Twenty-Five Years in China". In
15 our submission, if the defense desires to prove
16 General MacArthur's training plan in the Phillipines,
17 they ought not to do it through the writing of a
18 journalist in China. And if the defense did so
19 attempt to prove, we would object on the ground that
20 it was irrelevant to the issues here.

21 THE PRESIDENT: By a majority the objection
22 is upheld and the document rejected.

23 MR. McMANUS: If your Honor please, at
24 this time this concludes the educational propaganda
25 phase. I would like to present Colonel Warren who

1 will take up the next phase which will be the
2 Manchurian phase.

3 MR. LOGAN: I might state, if the Tribunal
4 please, that we have some witnesses that we were
5 not able to produce in this first division which
6 we will call later together with that economic
7 presentation.

8 THE PRESIDENT: Colonel Warren.

9 MR. WARREN: If the Tribunal please, I am
10 not sure that the Translation Section realize the
11 papers I took to them a moment ago, but it is
12 the opening statement, and they have it in Japanese
13 so that I should like to call their attention to
14 that so that they may read simultaneously with me.

15 THE MONITOR: All right, Colonel Warren.

16 MR. WARREN: I should like to further state
17 that Mr. OKAMOTO, who is the Japanese Chairman of
18 this phase, was to read this opening statement. I
19 much prefer that he read it. However, I have sent
20 word to him and apparently he cannot be located, and
21 I ask your Honor if he desires me to proceed.

22 THE PRESIDENT: Proceed to read it, Colonel.

23 MR. WARREN: Thank you.
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1 OPENING STATEMENT FOR THE MANCHURIAN DIVISION.

2 In offering evidence concerning the Manchurian
3 division, it is respectfully submitted, first of all,
4 that the affairs centering around the so-called
5 Mukden Incident of the 18th of September, 1931, have
6 been regarded as a closed book; that the Potsdam
7 Declaration did not contemplate prosecuting such
8 ancient events.

9 In the face, however, of the charges brought
10 forth by the prosecution, as to the origin and
11 defense of Japanese rights and interests in Manchuria,
12 and to the causes which gave birth to the new state
13 of Manchukuo, we must of necessity show the background
14 and sentiments which certainly affected the actions
15 of the parties concerned. The task of the defense is
16 severe and extremely difficult in view of the time
17 lapse, which has resulted in the death or disappear-
18 ance of many important witnesses and the loss or
19 deportation of innumerable documents of value, vital
20 to the defense of many of the accused.

21 To expedite the presentation of the case in
22 chronological order, the following five sub-divisions
23 are adopted:

- 24 (1) Problems prior to the Mukden Incident;
25 (2) The Mukden Incident and affairs

1 incidental thereto;

2 (3) Special features of Manchuria and
3 the birth of Manchukuo;

4 (4) International problems of Manchukuo;

5 (5) Domestic affairs of Manchukuo.

6 PART I. PROBLEMS PRIOR TO THE LUKDEN
7 INCIDENT.

8 1. The defense will confirm by evidence
9 the statements in the Lytton Report (p. 39) that
10 the Japanese interest in Manchuria originated in the
11 Sino-Japanese War of 1894-5 and that the Japanese
12 people felt they had obtained a moral right in that
13 area, deeming it as their "life-line" against the
14 menace of Russia. The so-called three Powers'
15 intervention (i.e. Russia, France and Germany)
16 deprived Japan of her legitimate acquisition of
17 sovereignty over the Liaotung Peninsula. Immediately
18 after the evacuation of Japanese troops the three
19 Powers and Great Britain forced China to concede
20 various parts of her territory.

21 THE PRESIDENT: Colonel Warren, I under-
22 stand that the accused MATSUI is very seriously
23 ill and must be taken directly to the hospital
24 immediately. We authorize that with such precautions
25 as the Supreme Commander has directed.

1 MR. WARREN: Shall I proceed, your Honor?

2 Russia, by concluding secret treaties
3 with China, occupied the whole of Manchuria and
4 even tried to penetrate into Korea. The evidence
5 shows that as Japan did not want to suffer the
6 same fate as her neighbor, she fought with Russia
7 in 1904-5, and a virtual recovery of the lost
8 Peninsula was effected.
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1 MR. COMYNS CARR: Your Honor, I do not
2 desire to interrupt my friend by taking objections
3 now, but it must not be assumed that because we do
4 not object to this ancient history being included
5 in the opening statement, we shall not object to
6 evidence when tendered on the subject.

7 MR. WARREN: We will deal with the objec-
8 tion when it is made, your Honor.

9 Although Japan and Russia came to an under-
10 standing as to their respective spheres of influence
11 in Manchuria and Mongolia by treaties concluded
12 between 1907 and 1916, past experience had taught
13 Japan to be very jealous in guarding her rights.
14 Consequently, for that purpose numerous treaties
15 and agreements were signed between China and Japan
16 during the period from 1905 to 1915.

17 At the Washington Conference of 1921-1922
18 and prior and subsequent thereto Japan gave back
19 to China the rights and interests in the Shantung
20 Peninsula which she acquired from Germany, renounced
21 her priority rights concerning loans and advisers
22 to China, and cancelled the Lansing-Ishii Agreement
23 and the Anglo-Japanese alliance which recognized
24 Japanese predominance in the Far East. Such facts
25 will be offered as proof of Japan's sincerity in

1 maintaining friendly relations with her neighbors,
2 particularly China, in spite of all the mal-treat-
3 ment which Japanese nationals received in that country.

4 The evidence will show that the outbreak
5 of the Chinese revolution in 1911, and the Russian
6 revolution in 1917, turned the Far East into utter
7 chaos. Anti-foreign movements, especially anti-
8 Japanese boycotts and terrorisms were rampant every-
9 where. The defense will submit evidence to show the
10 loss in Japanese lives and property suffered prior
11 to the Mukden Incident. We will show the effect
12 on Japanese interests as the civil war went from bad
13 to worse, and the effect thereof as Chang Tso-lin
14 of Manchuria invaded North China and claimed himself
15 to be Generalissimo in Peking, while the Kuomintang
16 Party started a northern expedition from Canton,
17 establishing a regime in Nanking. We will also show
18 that many warlords assumed their independent authori-
19 ties in prospective provinces and competed against
20 each other with resulting increase in their military
21 strength, in contravention of the resolution of the
22 Washington Conference for the reduction of Chinese
23 troops.

24 We will show that by this time Manchuria
25 had already become an indispensable source of supply

1 for food and raw materials to Japan, in exchange
2 for manufactured articles and capital, and that
3 Japan was anxious to preserve the friendship of
4 China as well as peace and order in Manchuria.
5 The evidence will show that the Soviet Government
6 and the Third Internationale had adopted a policy
7 opposed to Powers which maintained relations with
8 China on the basis of existing treaties. This atti-
9 tude of the Soviet, coupled with China's nationalis-
10 tic aspirations, was a matter of vital concern to
11 Japan. As stated in the Lytton Report on page 37,
12 "Her misgivings were further increased by the pre-
13 dominant influence acquired by the U.S.S.R. in
14 Outer Mongolia and the growth of Communism in China."

15 Chang Hsueh-liang, who succeeded Chang
16 Tso-lin in 1928, as the ruler of Manchuria and North
17 China, allied himself with the Kuomintang to wipe
18 out all the vested interests of foreigners from his
19 domain; many discriminatory laws and regulations
20 were issued affecting Japanese and Korean residents
21 there. We will show that such acts of the Chang
22 regime not only ignored the wishes of the Manchurian
23 people but also violated various Sino-Japanese
24 treaties and were not contemplated by the Nine-Power
25 Pact.

1 In the summer of 1931, the second Wakatsuki
2 Cabinet was endeavoring to execute the traditional
3 peace policy of the Minseito Party through Foreign
4 Minister SHIDEHARA, with a problem of settling more
5 than 300 pending cases in Manchuria. Such policy,
6 the evidence will show, resulted only in increasing
7 violent acts of the Chinese.

8 Despite this fact we will show that all the
9 outpost garrisons in Manchuria and elsewhere were
10 maintained at the treaty minimum, and the commanders
11 were instructed to refrain from any offensive acts.
12 Maps and charts will be produced to show the distribu-
13 tion of Japanese nationals in Manchuria; the number
14 and position of the Chinese troops; the number and
15 position of the Japanese troops, and the areas where
16 bandits were active.

17 The evidence will show that there were a
18 long series of events involving loss of life and
19 property of Japanese nationals legally resident in
20 Manchuria; large scale banditry being so prevalent
21 and brigands being so entrenched and so powerful
22 that the Chinese Government was unable to eradicate
23 them. This prevalence of brigandism was often the
24 subject of international protest and claims were
25 presented by many states as a result of the failure

1 of the Chinese Government to suppress banditry.

2 We will show that the members of these bands
3 formed robber communities, were motivated by no
4 public cause, and their acts were authorized by no
5 state. They conducted "warfare" as a private venture,
6 essentially in their own interest. The feature,
7 which distinguished acts of violence committed by
8 those bands from piracy, was that their operations
9 were not carried on in a place subject to no sovereignty,
10 such as the high seas, but in the territory of an
11 individual state. These bandits operated in and
12 adjacent to areas in Manchuria with respect to which
13 Japan had special rights. When pursued, they in-
14 variably retired within the territory from which they
15 had come, and where China was unable to effectively
16 pursue and deal with them. The result was to facili-
17 tate their flight and enable them to escape punish-
18 ment.

19 We will see in Manchuria that brigandage
20 increased in degree and viciousness in direct
21 proportion to the lack of political order and ade-
22 quate law enforcement. Because of a chaotic state
23 of affairs, oppression and tyranny, the bandits took
24 advantage of these conditions to commit crimes with
25 impunity. These men were peculiarly dangerous be-

1 cause they easily evaded pursuit, and by laying down
2 their arms became insidious enemies. We will show
3 that many civilians and soldiers fell into banditry
4 with intermitting returns to their homes and avoca-
5 tions and with occasional assumption of a semblance
6 of peaceful pursuits, divesting themselves of the
7 character or appearance either of soldiers or of
8 bandits. We will show that the illegal activities
9 of such irregular participants gave rise to the need
10 for adequate protective measures to be taken.

11 Evidence will show that as a result of the
12 Wanpaoshan affair and the murder of Captain NAKAMURA,
13 reported by the press in July and August, 1931, the
14 Sino-Japanese relations in Manchuria became strained
15 to the breaking point. General Chang Kai-shek
16 delivered fiery speeches inciting the Chinese against
17 the Japanese on the 7th and 14th September. It was
18 natural that there were rumors that something would
19 happen. We will show that Maj-Gen. TATEKAWA was
20 sent to Manchuria to ascertain whether Tokyo's in-
21 structions for forbearance were being carried out.

22 THE PRESIDENT: This is a convenient break,
23 Colonel Warren. We will adjourn until half-past nine
24 tomorrow morning.

25 MR. WARREN: Thank you.

(Whereupon, at 1600, an adjournment
was taken until Wednesday, 19 March 1947, at 0930.)